

Generally.

The bankrupt act does not repeal insolvent law, but merely suspends it. The former, when enacted, is paramount and exclusive. The effect of the bankrupt act and a discharge in bankruptcy upon a prior discharge in insolvency, both when the bankrupt law has been suspended and when it remains in force. Where a debtor has been discharged in insolvency, his then creditors have no right to prove their claims in a subsequent bankruptcy proceeding. *Lavender v. Gosnell*, 43 Md. 158.

The insolvent's property being vested in the trustee, is no longer within the reach of process. *Insolvent Estate of Leiman*, 32 Md. 240.

Upon the death of the trustee, the insolvent court must appoint another. *Jamison v. Chestnut*, 8 Md. 39.

The failure of an insolvent to file his schedule does not rescind appointment of trustee. A trustee's appointment will not be rescinded because he was counsel for applicant and represented no creditors. *Teackle v. Crosby*, 14 Md. 21.

Counsel for trustee cannot be paid out of estate, unless his services are required in prosecuting or defending interests of creditors. *Nelson v. Pierson*, 8 Md. 300.

A sale should not be set aside—though it may be suspended on terms—upon the insolvent's petition to effect that he had misapprehended the nature of insolvency proceedings, and could get all his creditors to consent to their dismissal. *McHenry v. McVeigh*, 56 Md. 582.

What proof of insolvent trustee's right to sue is required? A general issue plea does not admit the character in which plaintiff sues. *Winchester v. Union Bank*, 2 G. & J. 77.

The same proof of an insolvent trustee's right to sue is required as of the right of an assignee in bankruptcy. *Hall v. Sewell*, 9 Gill, 153.

This section shows that this article has no application to married women. *Relief Bldg. Assn. v. Schmidt*, 55 Md. 100 (decided prior to adoption of sec. 35).

For cases which seem to be now inapplicable to this section because of changes in the law, see *Relief Bldg. Assn. v. Schmidt*, 55 Md. 100; *Lavender v. Gosnell*, 43 Md. 158 (involving the act of 1834, ch. 293, sec. 2); *State v. Culler*, 18 Md. 433; *Glenn v. Karthaus*, 4 G. & J. 391; *Glasgow v. Sands*, 3 G. & J. 102; *Brown v. Brice*, 2 H. & G. 27.

Cited but not construed in *Goodwin v. Selby*, 77 Md. 447; *Becker v. Whitehill*, 55 Md. 574.

As to property not mentioned in the schedule, see sec. 17.

As to interrogatories, see also secs. 4 and 21.

An. Code, sec. 3. 1904, sec. 3. 1888, sec. 3. 1888, ch. 411.

3. At any meeting of creditors held under the provisions of the preceding section, and at all other meetings of creditors provided for in this article, a power of attorney in writing, signed by such creditor or creditors, shall entitle the person named as attorney in such power of attorney to act in behalf of such creditor or creditors at any or all meetings of creditors mentioned in said power of attorney, and held under the provisions of this article, as fully as such creditor or creditors signing the same might act were he or they personally present at such meeting or meetings.

An. Code, sec. 4. 1904, sec. 4. 1888, sec. 4. 1854, ch. 193, sec. 3. 1880, ch. 172.

4. The said court, or one of the judges thereof, may at any time order the insolvent to appear and answer such interrogatories and allegations as his creditors, endorsers or sureties may propose or allege against him; and shall order not less than one month's notice of the day so fixed upon to be given by the permanent trustee to the creditors of the insolvent in such manner as the court may by its rules or by special order direct.

The main provision and leading purpose of this section could have no application to the case of a married woman. *Relief Bldg. Assn. v. Schmidt*, 55 Md. 99 (decided prior to the adoption of sec. 35).

Cited but not construed in *Goodwin v. Selby*, 77 Md. 447.